

Policy 101

Washington DOH-Tobacco Control Program Trainings:

Community Based Strategies for Policy Change

April-May 2004

Why discuss policy in a strategic planning training?

- Our strategic situation demands that we move forward on policy (not just in a few counties)
 - 3 years to make a sustainable impact
 - History of successful work in local communities
 - A variety of new local policies that can serve as models
 - A population that is ready for policy change appropriate to their communities
 - Dramatic examples of local leadership



Why haven't we been pushing policy change all along

- ❑ Some communities have—where norms and values have been changing faster and there have been plenty of resources
- ❑ In many places, we have not been strong enough and public attitudes have been slower to change
- ❑ Now, we are stronger, and more communities are ready to support our efforts



What is policy change?

- ❑ System change
 - Private health plan to cover cessation
- ❑ New local ordinances
 - Banning smoking in parks and beaches
- ❑ New state law
 - Smoke free restaurants, bars, bowling alleys, bingo
- ❑ Enforcement of existing laws and policies
 - Clean Indoor Air Act
- ❑ Voluntary policies
 - Smoke free restaurant/smoke free parks

Why is this the best approach to tobacco control?

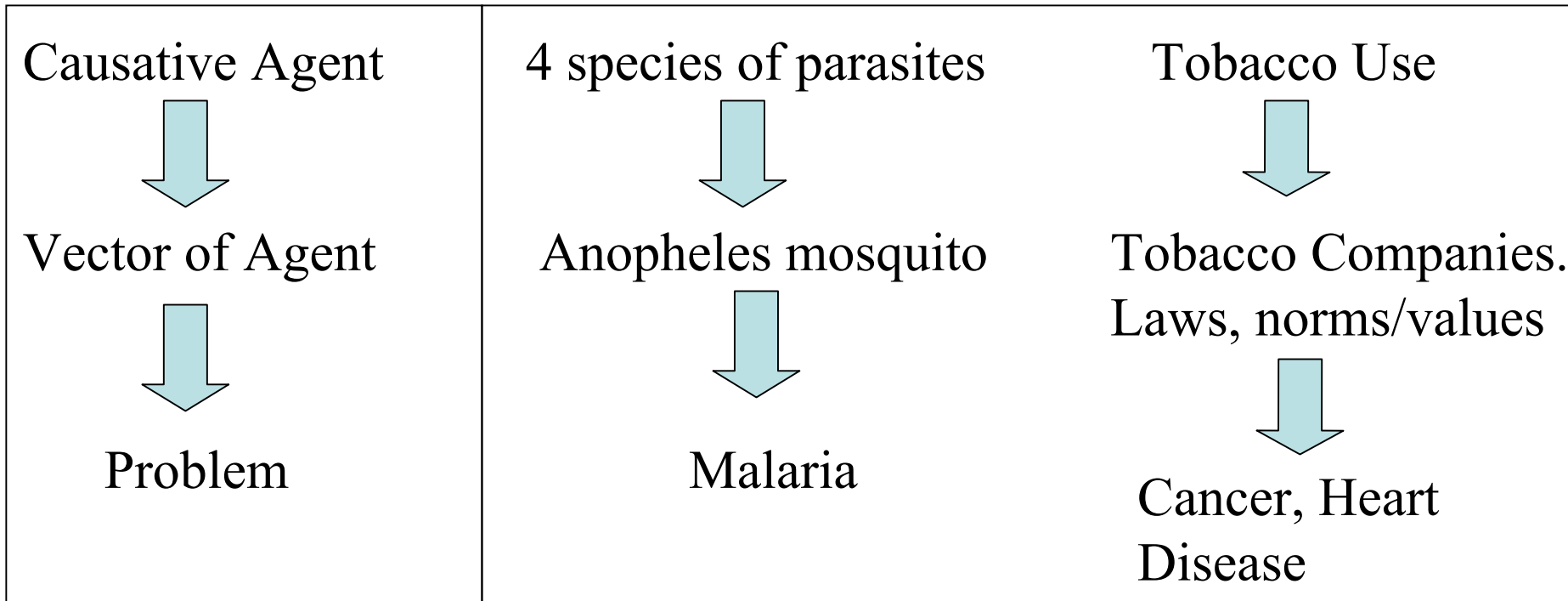
- Policies dealing with tobacco use indirectly influence current and potential tobacco users by creating a social milieu and legal climate in which tobacco becomes less desirable, less acceptable and less accessible
- Compared to a frontal attack designed to market cessation services directly to smokers, policy change is more effective and sustainable



Policy change affects everyone

- ❑ Laws, rules and policies influences the behavior of current smokers, youth considering smoking and non-smokers.
- ❑ Securing anti-tobacco policies tarnishes the image of tobacco companies and weakens pro-tobacco or libertarian control of policy– thus making change easier to accomplish
- ❑ New policies and weaker pro-tobacco influences combine to undermine the carriers or vectors of the tobacco epidemic

Vector Analysis and Denormalization

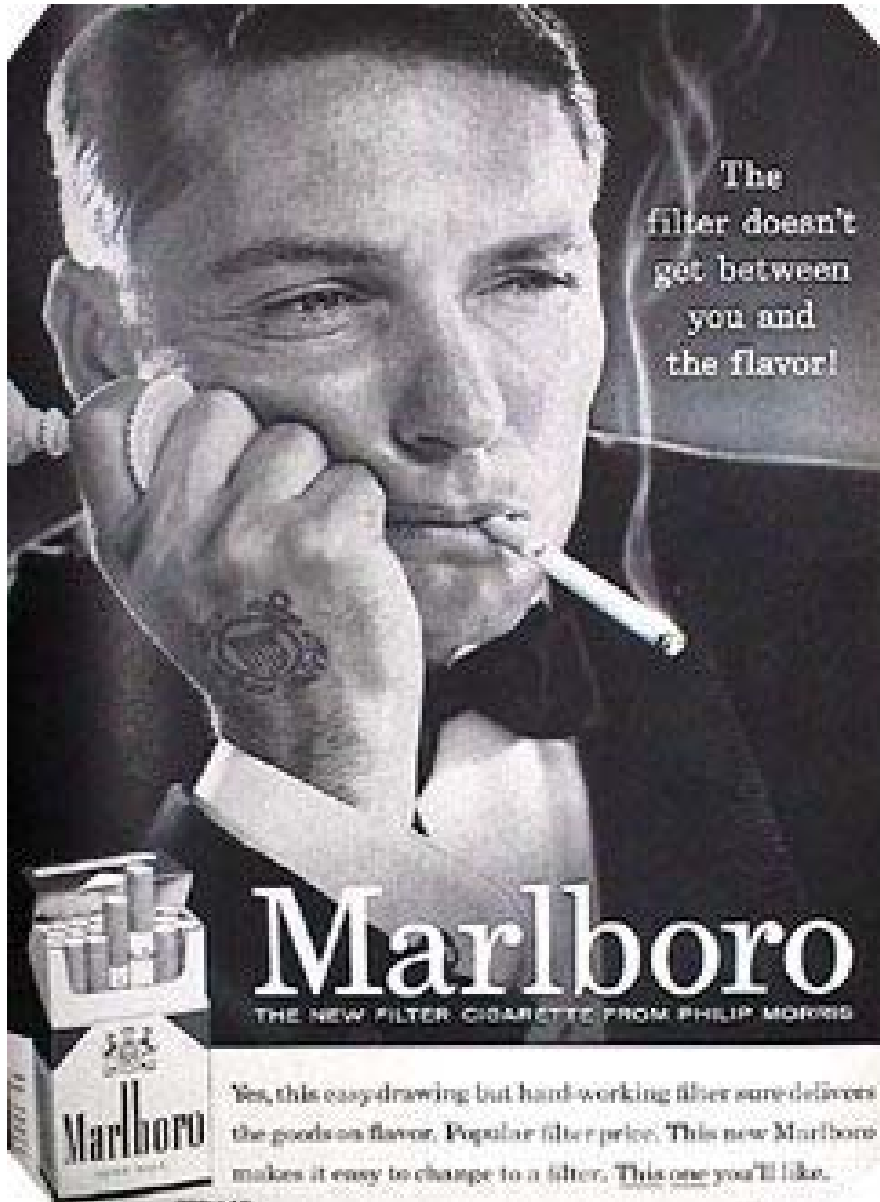


The vector is key in the tobacco epidemic as it is in the malaria epidemic. It must be controlled (eradicated) if the epidemic is to be brought under control



Changing attitudes takes time, but it's been happening for 50 years

- ❑ In the 40's and 50's smoking was glamorous, cool, socially accepted anywhere, anytime
- ❑ 53% of adults smoked at the peak
- ❑ Doctors, movie stars, heroes of all sorts, all promoted one brand or another
- ❑ Smoking rates climbed throughout the 50's even as awareness grew about health hazards



- "Marlboro - THE NEW FILTER CIGARETTE FROM PHILIP MORRIS"

Fun Small Print:

"Yes, this easy-drawing but hard-working filter sure delivers the goods on flavor. Popular filter price. This new Marlboro makes it easy to change to a filter. This one you'll like."



- "If you smoke a lot...
**CHANGE TO KENT...
CHANGE TO KENT**"

Fun Small Print:

"Now, more than ever, you want a cigarette that really tastes fresh. Better change to Kent. It's the only cigarette with the Micronite filter... the filter that gives you high filtration to help you keep your smoking moderate. And besides, the Micronite filter smooths the flavor... If you really like to smoke a lot, why not make the change to Kent, today? And why not start with a carton?"

THEY SATISFY *AND HOW!*



"FOR 25 YEARS I've been a steady Chesterfield smoker," says prominent tobacco farmer Pearsell L. Rogers. "They buy the world's best tobacco and make the world's best cigarette."

Pearsell L. Rogers

AND NOW—CHESTERFIELD FIRST TO GIVE YOU SCIENTIFIC FACTS IN SUPPORT OF SMOKING

A *responsible* scientific organization reports a study by a competent medical specialist and staff on the effects of smoking Chesterfield. For six months a group of men and women smoked only Chesterfield—10 to 14 a day—then turned around. 40 percent of the group, having smoked Chesterfield from age 10 thirty years for six weeks to ten years more.

At the beginning and end of the six months, each subject was given a thorough examination including X-rays, and smoking the cigarettes, time, rate and throat. After these examinations, the medical specialist stated:

"It is my opinion that the ears, nose, throat and necessary organs of all participating subjects examined by me were

not adversely affected by the six-month period by smoking the cigarettes provided."

Remember this report and buy Chesterfield—regular or long size.



ASK YOUR DEALER FOR
CHESTERFIELD—EITHER
WAY YOU LIKE 'EM

CONTAINS TOBACCO OF
BETTER QUALITY AND WEIGH
MORE THAN ANY OTHER
LONG SIZE CIGARETTE

Buy **CHESTERFIELD** *Much Milder*

- **"Real Protection Added to Finer Pleasure"**

Fun Small Print:

"ALL SMOKERS INHALE - BUT YOUR THROAT NEEDN'T KNOW IT"

the thing to think about is - *what cigarette* you smoke... and inhale. Look at the difference below. It was found and reported by eminent doctors who compared the leading favorite cigarettes:

SMOKE OF THE FOUR OTHER LEADING POPULAR BRANDS AVERAGED MORE THAN THREE TIMES AS IRRITATING - AND THEIR IRRITATION LASTED MORE THAN FIVE TIMES AS LONG - AS THE STRIKINGLY CONTRASTED PHILIP MORRIS!

No finer tobaccos grow than those in Philip Morris. But - in addition - PHILIP MORRIS give you this exclusive, proved protection! No worry about throat irritation - even when you inhale.





NOW...10 Months Scientific Evidence For Chesterfield

A scientific statement is being issued for the smoking community's peace of mind that Chesterfield cigarettes are safe for you. The results of the study have been published in the *Journal of the American Medical Association*.

What are smokers to expect? Smokers are to expect that the Chesterfield cigarettes are safe for them.

Smokers are to expect that the Chesterfield cigarettes are safe for them.

CHESTERFIELD
IS BEST FOR YOU

© 1988 Philip Morris Inc.

**First and Only Proven
Smoking Signature in Both Cigarettes
and Filter**

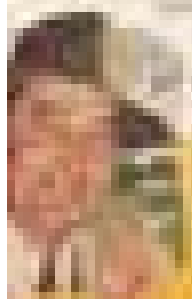
CHESTERFIELD
IS BEST FOR YOU

Classically and completely satisfying in flavor, with Modesto's 80 cigarettes.

Regularly smoked without any addiction.

Modesto's cigarettes are made from the finest tobacco leaves in the world, and are completely free of any harmful substances.

Modesto's cigarettes are the only ones that are completely free of any harmful substances.



MODесто CHESTERFIELD
the Best Cigarette for YOU in the World



- "The gay gift package below contains four boxes of the popular flat fifties. No other wrapping needed."

Fun Small Print: "There's an added pleasure in giving Camels at Christmas. You *know* your gift will be so genuinely welcome. More smokers prefer Camels than any other cigarette. And that preference holds for men in the Army, the Navy, the Marines, and the Coast Guard, too! So remember those lads in uniform... remember *all* the cigarette smokers on your list... with the cigarette of costlier tobaccos - Camels. Choice of the two holiday packages above."

50 Years Later

- ❑ 90% of Americans agree that smoking harms their health; per capita consumption has declined every year since 1973
- ❑ Today: Six states and dozens of cities ban smoking in indoor workplaces including restaurants and bars
- ❑ 7 smoke free workplace countries: Ireland, Norway, New Zealand, Bhutan and Sweden, Uganda and most recently India
- ❑ Smoking prevalence is below 25%

SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.

Omni Kings: 15 mg. "tar," 1.0 mg. nicotine,
Lights 100s: 12 mg. "tar," 0.8 mg. nicotine,
av. per cigarette by FTC Method.

For more information and supporting data call toll-free
1-866-639-OMNI, or visit us at www.omnicigs.com

© 2007 OMNI TOBACCO CO.

What happens to a when you reduce carcinogens?

NEW!



You get a really good tasting smoke.

The only cigarette to significantly reduce carcinogens that are among the major causes of lung cancer.

The only one to still deliver premium taste.

The only one to finally give smokers a real reason to switch.

Only Omni.

WARNING: Smoking is addictive and dangerous to your health. Reductions in carcinogens (PAHs, nitrosamines, catechols, and organochlorine NCT) have proven to result in safer cigarettes. The product produces tar, carbon monoxide, other harmful by-products, and increased levels of nitric oxide.

Reductions are in comparison to comparable styles of the leading brand.

Is policy change responsible for all our progress?

- No, other activities lay the foundation
 - Science
 - Mass Media
 - Public Education
- Policy change translates attitudes and awareness into enforceable law and practice
- ...solidifying gains and creating new expectations and pressure to reduce tobacco use




Where should we concentrate our policy change efforts?

- In rural trainings, people said that state wide policy change was the best
 - State policy change affects more people and has a larger immediate public health impact
 - Some communities will never pass tough local anti-tobacco policies
 - Many cities and counties wait for the state to act before passing local laws

So, why should we concentrate on local policy change

- ❑ The tobacco industry is the strongest at the state level, making policy change difficult
- ❑ Breakthrough local policy has huge statewide impact, e.g. Pierce County smokefree workplace law
- ❑ Local involvement, debate, publicity has the greatest impact on attitudes
- ❑ So many opportunities for local policy change. Very few for state level change



Best case: pursue state and local policy change simultaneously

- However, state policy must leave room for local action. NO PREEMPTION

Preemption stops local policy making

- **pre emp tion** \pre-'em(p)-shen\: n. 1: a provision in state (or federal) law that eliminates the power of local (or state and local) governments to regulate tobacco. May “preempt” either existing and/or future legislation. 2: a tobacco-industry relief measure. 3: syn., see TROUBLE

2 types of preemption

□ Express preemption

- A statute which explicitly asserts the state's intent to occupy the field in a given subject area.
- Washington expressly preempts legislation on youth access issues (policies covered by 70.155)

□ Implied preemption

- Court decision that a law is so comprehensive as to implicitly occupy the field and preclude local action.
- Washington claims SHS regulation is preempted by the Clean Air Act. Courts are reviewing issue b/c of Pierce County passing the smoke free indoor air law

The tobacco industry loves preemption

- “Our top priority in fighting the proliferation of smoking bans and restrictions can be summed up in two words: ‘accommodation’ and ‘preemption.’”

Ellen Merlo, Philip Morris

- Fewer restrictions on smoking
- A halt to local policy activity, ending the public discussion, education and norm changes this activity generates
- A decrease in enforcement activity since local agencies primarily enforce local laws

Washington law has preemption problems

- ❑ Local ordinances dealing with the retail store environment are clearly preempted
- ❑ Courts at different levels disagree about whether the Clean Air Act preempts local laws designating smoke free environments
- ❑ If the courts uphold Pierce County's ordinance, the Clean Air Act will not be preemptive
- ❑ If I-890 qualifies and passes, the Clean Air Act will be replaced with a tough smoke free workplace law

Policy provisions: I-890

- ❑ I-890 eliminates smoking in bars, taverns, bowling alleys, skating rinks, non-tribal casinos and does not exempt restaurants
- ❑ I-890 also bans smoking 25 ft from entrances, windows, ventilation intakes of buildings within which smoking is prohibited

Restrictions on how state contractors can work on initiatives

☐ **You can**

- Educate the general public about the importance of reducing exposure to second hand smoke
- Educate the general public about how other state's and communities have dealt with it and the results
- Support I-890 visibly and vocally as a private citizen on your own time

☐ **You cannot**

- Use public facilities or public resources to support/oppose ballot propositions
- Do grass roots lobbying of any kind using state \$

What can DOH contractors do to support I-890 to the extent permitted by law?

- If it makes it to the ballot
 - Opportunity for local education about ETS
 - Elected officials asked to take a position
 - Extensive news coverage pro/con in media
 - Secure commitments to introduce local ordinances if measure fails to make ballot
 - Sharp focus for work on disparities because women, Latinos, African Americans employment
 - Identify and recruit community folks who can take the lead on out front support for I-890

There are competing initiatives

□ I-891

- Entertainment Industry Coalition
- Makes the amended Clean Air Act expressly preemptive
- Bars, taverns, bowling alleys, tobacco shops and restaurants may be designated as a smoking area in its entirety. Other public places where minors are allowed have to create smoking sections where minors are not allowed

Policy summary: I-890/I-891

| Major Provisions | I-890 | I-891 |
|--|-------|-------|
| Exempts restaurants from smoking ban | NO | YES |
| Eliminates smoking in bars, taverns, bowling alleys, skating rinks, non-tribal casinos | YES | NO |
| Bans smoking 25' from entryways, exits of bldgs in which smoking is prohibited inside | YES | NO |
| Expressly preempts local governments from passing anything in conflict | NO | YES |

| Type | Level of Legal Jurisdiction (who has authority?) | Supporting Information | Do local ordinances exist? Yes or No → if yes, fill in previous grid to describe local policy | Washington Leaders (communities that have pursued relevant policies in Washington) |
|--|--|---|--|--|
| Capacity | | | | |
| Ban acceptance of tobacco company donations, require that grantees not accept tobacco industry donations/sponsorships | City, County, Community, funding/donor organizations in community, local libraries | Use DOH model language to ban acceptance of tobacco industry funds by organizations granting or receiving money | | DOH contractor policies |
| Ban sale, sampling, or use of tobacco on specific public grounds | City, County, Community, college/university, fairgrounds, other public property | | | University of Washington Clark College |
| Limit zoning rules for new tobacco retailers in communities (particularly “tobacco discount” stores) | City, County | | | Communities that have banned “adult entertainment” industry California zoning laws(limiting stores per # of citizens) |
| Add specific language regarding tobacco control to organizational mission statements, performance measures, objectives | City, County, Community organizations | | | |
| Limit storefront advertising – restrictions must be general, not specific to types of ads (alcohol or tobacco) | City, County | | | See safety-focused policies for storefront advertising restrictions |

| Prevention | | | | |
|---|---|--|--|---------------------------|
| Ban smoking within X feet of school grounds | City, County, Community | SHSCAP | | |
| Ban smoking in parks/playgrounds/campgrounds* | City, County, Community | SHSCAP | | |
| Ban smoking at outdoor public events where more than X% of participants are children (county fair, zoo, rodeo, 'family days') | City, County, Community | SHSCAP | | |
| Include specific language for comprehensive tobacco prevention policy & procedures in school districts | School District Administrators | ESD staff, Washington State School Districts Administrators Association (WSSDAA) | | DOH model school policies |
| Include required instruction on tobacco use, media literacy, and/or community service that includes tobacco advocacy for youth in schools | School Districts?? curriculum committees? | ESD staff | | DOH model school policies |

* this approach has been considered previously as a 'secondhand smoke' goal related activity; however, the arguments for restricting smoking as a demonstration of community norms against tobacco for children may be more compelling than arguments related to secondhand smoke exposure outdoors.

| Cessation | | | | |
|---|---|---|--|--|
| Systematic Implementation of 'best practice' clinical interventions | Clinic systems, including public health clinics and services | TPRC "Basic Tobacco Intervention Skills" Training | | |
| Coverage of NRT/ pharmacotherapy/ cessation support by healthcare plans | Large employers (including city, county, other government entities) | | | |
| Policy to hire only tobacco-free employees | Employers (including city, county, other private businesses) | | | |

| Secondhand Smoke | | | | |
|--|---|-----------------------|----------------------|---|
| Ban smoking in restaurants, bars, bowling alleys, other worksites currently exempted in State Clean Indoor Air Act | ? Pending Pierce Co appeal, currently perceived as state-level decision (legislative/initiative) | Available from SHSCAP | Clean Indoor Air Act | |
| Ban smoking in housing supported by public funds (federal HUD funds or local funds) | County, Community | Available from SHSCAP | | |
| Ban smoking on public beaches, waterfronts, piers | City, County, Community | Available from SHSCAP | | |
| Ban smoking in public transportation waiting areas (including bus stops) | City, County, Community | Available from SHSCAP | | Thurston County Intercity Transit policy |
| Ban smoking within X feet of buildings or air intake valves for buildings (or completely smoke-free campuses) | City, County, Community, Organization (e.g., college campuses, health department, hospitals) | Available from SHSCAP | | |
| Addition of restaurant smoking to health inspection protocols and forms | County health departments | | | Chelan-Douglas health district |
| Passage of “nuisance law” for Secondhand Smoke – allows tenant to sue smoking neighbor to abate SHS nuisance | County, city | | | See community noise policies, dog policies. |
| Require landlords to disclose to potential tenants whether smokers live adjacent/near to housing | City, County | | | |



Selecting your policy goal

- ❑ Who will be doing the selecting?
- ❑ How well do these groups represent the community?
- ❑ Can a planning group that does not represent the community strategize effectively on tobacco control issues?
- ❑ Is participation in the planning process a way to involve affected communities in the campaign to secure the policy?

Partners in Tobacco Control Exercise